



IMPACT OF U.S. WITHDRAWAL FROM THE JOINT COMPREHENSIVE PLAN OF ACTION (JCPOA) ON THE GULF REGION AND THE WORLD

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ABSTRACT: *The paper delves into the Iranian nuclear program which led to the Joint Comprehensive Plan of Action (JCPOA) between Iran and other world powers. It also examines the American withdrawal from the negotiating tables of JCPOA and its long run impact on the Gulf region and the world in general. The paper adopts the historical-descriptive research from library documents relying on secondary methodology. The paper discovers that, the JCPOA is the most reliable avenue through which the Iranian nuclear program issues can be discussed and provide a better multilateral agreement for regional and global peace to be sustained. The paper concludes that, so long the United States continue to impose sanctions on Iran and refuses to return to the JCPOA, so long Iran will continue to enrich uranium which may lead to the development of nuclear weapons, if the European Union also remains silent on how to neutralize such sanctions. The paper recommends restraints from the United States on perpetual meddling in the regional political affairs, restraint from Saudi Arabia from fighting the Houthis in Yemen, and restrain from Iran from fueling more tensions for perpetual peace to be achieved.*

KEYWORDS: U.S Withdrawal, Joint Comprehensive Plan, Gulf Region, World Powers, JCPOA

INTRODUCTION

Multilateral negotiations regarding Iran's nuclear program date back to 2003 after the International Atomic Energy Agency (IAEA) reported on the existence of clandestine nuclear facilities at Natanz. In October of that year, Iran concluded an agreement with France, Germany, and the United Kingdom under which Iran temporarily suspended aspects of its nuclear program, including enrichment of uranium, and signed an Additional Protocol to its IAEA safeguards agreement, but also asserted its right to develop nuclear technology. In January 2006, Tehran announced that it would resume research and development on its centrifuges at Natanz. After that time, Iran held multiple rounds of talks with China, France, Germany, Russia, the United Kingdom, and the United States (collectively known as the P5+1).

The U.N. Security Council meanwhile adopted several resolutions, the most recent and sweeping of which (Resolution 1929) was adopted in June 2010. These resolutions required Iran to cooperate fully with an ongoing IAEA investigation of its nuclear activities, suspend its uranium enrichment program, suspend its construction of a heavy water reactor and related projects, and ratify the Additional Protocol to its IAEA safeguards agreement. Resolution 1929 also required Tehran to refrain from "any activity related to ballistic missiles capable of delivering nuclear weapons" and to comply with a modified provision (called code 3.1) of



Iran's subsidiary arrangement to its IAEA safeguards agreement (Paul, 2015). The resolutions also imposed sanctions on Iran.

Diplomacy bore fruit after the June 2013 election of Iranian President Hassan Rouhani with the achievement, on November 24, 2013, of an interim nuclear accord—the Joint Plan of Action (JPA; referred to in international documents as JPOA). The JPA set out an approach toward reaching a long-term comprehensive solution to international concerns regarding Iran's nuclear program. The two sides began implementing the JPA on January 20, 2014. The P5+1 and Iran reached a framework of a Joint Comprehensive Plan of Action (JCPOA) on April 2, 2015, and the JCPOA was finalized on July 14, 2015. With the JPA remaining in effect until the JCPOA entered into implementation, the IAEA certified on January 16, 2016, that Iran had completed its required JCPOA nuclear-related tasks for Implementation Day. The United States, the U.N., and the EU ceased application of most sanctions that day. Since Implementation Day, the agency has “verified and monitored Iran's implementation of its [JCPOA] nuclear-related commitments (UN, 2018:12).”

On November 11, 2013, coinciding with concluding the JPA, Iran and the IAEA signed a joint statement that included a “Framework for Cooperation” 3 to “strengthen their cooperation and dialogue aimed at ensuring the exclusively peaceful nature of Iran's nuclear programme through the resolution of all outstanding issues that have not already been resolved by the IAEA.” The agency had long sought to resolve some outstanding questions regarding Tehran's nuclear program, some of which concern possible Iranian research on nuclear weapons development (UN, 2018:14).

LITERATURE REVIEW

Iran has nuclear programs that could potentially provide Tehran with the capability to produce both weapons-grade Highly Enriched Uranium (HEU) and plutonium - the two types of fissile material used in nuclear weapons. (In addition to the production of weapons-grade nuclear material, a nuclear weapons program requires other key elements, such as warhead design and reliable delivery systems (Paul, 2015:16) Statements from the U.S. intelligence community indicate that Iran has the technological and industrial capacity to produce nuclear weapons at some point, but the U.S. government assesses that Tehran has not mastered all of the necessary technologies for building a nuclear weapon (Paul, 2015:17)).

In November 2007, the National Intelligence Estimated that Iran “halted its nuclear weapons program” in 2003, but the estimate and subsequent statements by the intelligence community also assessed that Tehran was keeping open the “option” to develop nuclear weapons. Then-Under Secretary of State for Political Affairs Wendy Sherman explained during an October 3, 2013, Senate Foreign Relations Committee hearing that Iran would need as much as one year to produce a nuclear weapon if the government made the decision to do so. Tehran would have needed two to three months of this time to produce enough weapons-grade HEU for a nuclear weapon. Iran's implementation of the JCPOA lengthened the latter timeline to one year, according to February 9, 2016, congressional testimony from then-Director of National Intelligence James Clapper (James, 2015:20).

In the writings of James (2015), the U.S. officials argue that the IAEA and/or U.S. intelligence would likely detect an Iranian attempt to produce weapons-grade HEU with either its



safeguarded facilities or clandestine facilities. Regarding the former, Clapper testified that the JCPOA has enhanced the transparency of Iran's nuclear activities, as a result, the international community is well postured to quickly detect changes to Iran's declared nuclear facilities designed to shorten the time Iran would need to produce fissile material ((James, 2015:21).

The intelligence community assesses that Iran is more likely to use clandestine facilities to produce weapons-grade HEU, Director Clapper stated in a March 2015 interview. U.S. officials have expressed confidence in the ability of U.S. intelligence to detect Iranian covert nuclear facilities¹⁶ and have indicated that Iran currently does not appear to have any nuclear facilities of which the United States is unaware.

In an intellectual piece, Kahl (2015) posited that the JPA, also widely known as the JPOA, essentially froze most aspects of Iran's nuclear program to allow time to negotiate the JCPOA. When the JPA went into effect in January 2014, Iran had enough uranium hexafluoride containing up to 5% uranium-235, which, if further enriched, would have yielded enough weapons-grade HEU for as many as eight nuclear weapons.²⁴ The total amount of Iranian LEU containing 20% uranium-235 would, if it had been further enriched, have been sufficient for a nuclear weapon. After the JPA went into effect, Iran either converted much of that material for use as fuel in a research reactor located in Tehran (called the Tehran Research Reactor), or prepared it for that purpose. Iran diluted the rest of that stockpile so that it contained no more than 5% uranium-235. Tehran's uranium conversion facility is not set up to reconvert the reactor fuel to uranium hexafluoride. According to a November 14, 2013, IAEA report, Iran had generally stopped expanding its enrichment and heavy water reactor programs during the negotiations leading up to the JPA (Kahl, 2015:16; IAEA, 2014).

Under the JCPOA, Iran agreed to refrain from "any further advances of its activities" at the Natanz commercial-scale facility, Fordow facility, and Arak reactor. Tehran was also required to provide the IAEA with additional information about its nuclear program, as well as access to some nuclear-related facilities to which Iran's IAEA safeguards agreement does not require access. The JPA requires Iran (Kahl, 2015:16) to adopt the following:

Centrifuge Limits: To refrain from feeding uranium hexafluoride into its installed centrifuges that were not previously enriching uranium, to replace existing centrifuges only with "centrifuges of the same type," and to produce centrifuges only to replace damaged centrifuges. Tehran was also required to refrain from installing additional centrifuges at the Natanz facility. Iran was permitted to use its previously operating centrifuges in the Natanz commercial facility and the Fordow facility to produce enriched uranium containing as much as 5% uranium-235.

Level of Enrichment Limits: To only enrich uranium up to 5% uranium-235. Tehran was also to dilute half of its stockpile of uranium hexafluoride containing 20% uranium-235 to no more than 5% uranium-235. The rest of the uranium hexafluoride containing 20% uranium-235 was to be converted to uranium oxide for use as fuel for the Tehran Research Reactor. Iran also agreed to refrain from building a line in its uranium conversion facility for reconvert the uranium oxide back to uranium hexafluoride (IAEA, 2014:35).

Leu Stockpile Limits: To, in effect, freeze the amount of stocks of enriched uranium hexafluoride containing up to 5% uranium-235 (IAEA, 2014:36).

Centrifuge R&D: To continue its "current enrichment R&D Practices" under IAEA safeguards, "which are not designed for accumulation of the enriched uranium." This provision



prohibited Tehran from producing enriched uranium hexafluoride containing more than 5% uranium-235.

Additional Monitoring: The JPA provided for additional IAEA monitoring of the enrichment facilities by allowing IAEA inspectors to access video records from those facilities on a daily basis. Previously, inspectors did not access such records daily (and the video is not streamed in real time to the agency) (IAEA, 2014:36).

Arak Reactor: Iran pledged to refrain from commissioning the reactor, transferring fuel or heavy water to the reactor site, testing and producing additional reactor fuel, and installing remaining reactor components. Tehran was permitted to continue some construction at the reactor site and to produce some reactor components off-site. Iran also agreed to refrain from reprocessing spent nuclear material and building a reprocessing facility (IAEA, 2014:36).

Additional Pledges/Information: The JPA reiterated previous Iranian statements “reaffirming that under no circumstances will Iran ever seek or develop any nuclear weapons.” In addition, Iran was to provide the IAEA with other information, such as plans for future nuclear facilities, even though Iran was already required to provide some of this information by code 3.1 of Iran’s subsidiary arrangement to its IAEA safeguards agreement. Iran also provided IAEA inspectors with “managed access” to its centrifuge assembly workshops, centrifuge rotor production workshops, centrifuge storage facilities, and uranium mines and mills (IAEA, 2014:36).

FINDINGS AND DISCUSSION

The JPA acknowledged that Iran’s right to the peaceful use of nuclear energy under the nuclear Non-Proliferation Treaty (NPT) would be part of a comprehensive solution, but shied away from stating that uranium enrichment is part of this right. The JPA stipulated that an enrichment program in Iran would have defined limits and transparency measures. The Obama Administration applied to Iran its interpretation that the NPT does not contain an explicit right to enrichment. A senior Administration official explained on November 24, 2013, that “the United States has not recognized a right to enrich for the Iranian government, nor do we intend to. The document does not say anything about recognizing a right to enrich uranium (IAEA, 2001).” The JCPOA provided for some modest sanctions relief for Iran. Its provisions, which remained in force until “Implementation Day” (January 16, 2016), included the following (IAEA, 2014:

Access to Hard Currency: Iran was able to repatriate \$700 million per month in hard currency from oil sales, and to access an additional \$65 million per month of its foreign exchange reserves for tuition for Iranian students abroad.

Oil Exports Capped: Iran’s oil exports were required to remain at their December 2013 level of about 1.1 million barrels per day (mbd).

Resumption of Trade in Selected Sectors: International sanctions were suspended on Iran’s sales of petrochemicals, trading in gold and other precious metals, and transactions involving Iran’s auto production sector.



The JPA stated that a JCPOA would include a “mutually defined (Iranian) enrichment programme with practical limits and transparency measures to ensure the peaceful nature of the programme.” Specifically, Iran and the P5+1 would, in a JCPOA, reach agreement on permanent, comprehensive sanctions relief in exchange for restrictions- “for a period to be agreed upon” -on the “scope and level” of Iran’s enrichment activities, the capacity and location of Iranian enrichment facilities, and the size and composition of Tehran’s enriched uranium stocks. The P5+1-Iran negotiations on a comprehensive settlement began in February 2014 but did not meet July 20 or November 24 deadlines in 2014. On November 24, 2014, Iran and the P5+1 announced their intent to finalize a detailed agreement by June 30, 2015, after first attempting to reach an accord was agreed on April 2, 2015, in Lausanne, Switzerland. The parties strived to meet the June 30 deadline because the Iran Nuclear Agreement Review Act (P.L. 114-17) mandated a 30-day congressional review period for an agreement completed by that date. However, the JCPOA was not finalized until July 14, 2015; the failure to meet the June 30 deadline triggered a 60-day review period under that act. The provisions of the JPA remained in effect until the JCPOA was formally “adopted.” The JCPOA outlines steps, as follows (Iran Nuclear Agreement Review Act P.L. 114-17):

Finalization Day: July 14, 2015: Iran and the P5+1 countries, along with the High Representative of the European Union for Foreign Affairs and Security Policy (Federica Mogherini), endorsed the JCPOA. A U.N. Security Council Resolution to endorse the JCPOA was submitted for adoption.

Adoption Day/New U.N. Security Council Resolution: The JCPOA formally came into effect 90 days after endorsement of JCPOA by U.N. Security Council, (or earlier by mutual consent). Resolution 2231 was adopted for that purpose on July 20, 2015, placing Adoption Day at October 18, 2015. The Administration asserted that the 90-day time frame allowed for review of the JCPOA by the U.S. Congress and by any legislature of any party to the JCPOA. On Adoption Day, the United States issued the provisional presidential waivers required to implement U.S. sanctions relief, with the waivers to take effect on Implementation Day.

Implementation Day: This day was defined in the JCPOA as the day the IAEA verified that Iran has completed the several stipulated nuclear related measures (e.g., reducing centrifuges, removing the core of the Arak reactor) and the United States, the U.N., and the EU cease application of specific sanctions (see text below). The U.N. Security Council terminated the provisions of its resolutions on Iran: 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008), 1835 (2008), 1929 (2010), and 2224 (2015); and Resolution 2231 became the sole operative U.N. Security Council resolution on Iran’s nuclear program. Implementation Day was declared on January 16, 2016, after the IAEA made the required certification of Iran’s completion of the stipulated tasks (UN, 2016).

Transition Day: Represents initial stages of Iran’s emergence from U.N. Security Council scrutiny. Transition Day is eight years from Adoption Day (October 18, 2023)—or upon “Broader Conclusion” report from the IAEA Director General to the IAEA Board of Governors and U.N. Security Council—whichever is earlier. As of Transition Day, additional EU entities are to be removed from sanctions, the United States is required to remove from designation specified additional Iranian entities subjected to sanctions, and the Administration is required to seek legislative termination of sanctions that were suspended on Implementation Day.

UNSCR Termination Day: Ten years from Adoption Day (October 18, 2025). Provisions and measures imposed in U.N. Security Council Resolution endorsing JCPOA would terminate and the Security Council would not be involved in the Iran nuclear issue. However, the JCPOA itself and its remaining provisions do not terminate on this day: the accord states that, following successful implementation of the final steps of the JCPOA, Iran's nuclear program "will be treated in the same manner as that of any non-nuclear weapon state party to the NPT." Iran's IAEA safeguards obligations, as well as some JCPOA obligations, last for an indefinite duration. Potential nuclear-related exports to Iran remain subject to the Nuclear Suppliers Group's export guidelines (Amy, Woolf, Paul and Mary, 2016).

Resolution 2231 also ended the role of the U.N. panel of experts, which Resolution 1929 had created to work with a committee (established in Resolution 1737) that monitored states' compliance with the resolutions discussed above. The Security Council decided on January 16, 2016, to "select on an annual basis one member to serve as its facilitator" for implementing certain provisions of Resolution 2231, including Security Council approval of various Iranian exports and imports described in Annex B of the resolution (UN, 2016).

Enrichment Program

The JCPOA limits Iran's enrichment of uranium for fixed durations. The agreement required the IAEA to certify that Iran had completed most of the tasks described below in order for Tehran to qualify for Implementation Day sanctions relief. According to the JCPOA, expiration of the JCPOA enrichment restrictions will be "followed by gradual evolution, at a reasonable pace" of Iran's enrichment program. Iran has submitted an "enrichment R&D plan" to the IAEA as part of Tehran's initial declaration for its Additional Protocol. Iranian adherence to that plan is a JCPOA requirement.

Centrifuge Limitation (10 Years): For 10 years, Tehran is to use no more than 5,060 IR-1 centrifuges to enrich uranium, and to install only IR-1 centrifuges in the facility. All excess centrifuges are to be used only as replacements for operating centrifuges and equipment.

Level of Enrichment Limitation (15 Years): For at least 15 years, Iran is to refrain from producing enriched uranium containing more than 3.67% uranium-235.

Facility Limitation (15 Years): For 15 years, Iran is to enrich uranium only at the Natanz commercial facility and is not to build any new enrichment facilities.

Iranian Compliance with the JCPOA Nuclear Requirements

According to Robert (2015), regarding Iranian compliance with the JCPOA, the Iran Nuclear Agreement Review Act of 2015 (INARA, P.L. 114-17) requires the President to "determine whether the President is able to certify" that Iran:

- i. "is transparently, verifiably, and fully implementing the agreement, including all related technical or additional agreements";
- ii. "has not committed a material breach" of the agreement or cured any material breaches that Iran has committed; and
- iii. "has not taken any action, including covert activities, that could significantly advance its nuclear weapons program (Robert, 2015)."



Federica (2015) pointed out that, the then-Secretary of State Rex Tillerson issued this certification on July 17, 2017. All official reports and statements from the United Nations, European Union, the IAEA, and the P5+1 indicate that Iran has complied with the JCPOA. The most recent report from IAEA Director General Amano states that the IAEA has continued verification and monitoring of the restrictions described in Section T of the JCPOA, which prohibits a number of nuclear weapons-related activities. Secretary of State Michael Pompeo stated during an April 12, 2018, Senate Foreign Relations Committee hearing that he had seen no evidence of Iranian noncompliance with the agreement. High Representative of the European Union for Foreign Affairs and Security Policy Mogherini stated on April 16 that “Iran is fully compliant with its nuclear commitments (Federica, 2015).”

The agreement, as noted, describes arrangements for agency inspectors to gain access to Iranian sites, including military sites, other than those that Tehran has declared to the agency, “if the IAEA has concerns regarding undeclared nuclear materials or activities, or activities inconsistent with” the JCPOA. The agreement also provides for alternative means to clarify the matter. The IAEA has not reported whether it has requested access to any Iranian military facilities, but the agency has a number of methods other than inspections, such as analyzing open source information and receiving intelligence briefings from governments, to monitor Iranian compliance with these and other JCPOA commitments. According to the State Department report (April, 2018):

The IAEA continues to exercise its full authorities in pursuing any new safeguards-relevant or JCPOA-related information in Iran, including any new concerns regarding weaponization should they arise, through implementation of Iran’s Safeguards Agreement, Additional Protocol, and the enhanced transparency and verification measures contained in the JCPOA (Department of State, 2015).

Sanctions Relief Under The JCPOA and Re-Imposition

Under the JCPOA, the overwhelming bulk of sanctions relief occurred at Implementation Day (Politico, 2015). The U.S. sanctions laws waived and executive orders revoked are discussed in detail in CRS Report RS20871, *Iran Sanctions*, by Kenneth Katzman, which also analyzes the re-imposition of all U.S. sanctions that were suspended or revoked, in accordance with President Trump’s May 8, 2018, announcement of the U.S. withdrawal from the JCPOA. Iran remains subject to its obligations pursuant to the JCPOA and Resolution 2231. A “snap back” mechanism was incorporated into the JCPOA to account for the possibility that Iran might not satisfactorily resolve a P5+1 inquiry about possible JCPOA noncompliance. According to the JCPOA, the United States (or any veto-wielding member of the U.N. Security Council) would be able to block a U.N. Security Council resolution that would continue the lifting of U.N. sanctions despite Iran’s refusal to resolve the dispute. In that case, “... the provisions of the old U.N. Security Council resolutions would be re-imposed, unless the U.N. Security Council decides otherwise.” These provisions are included in U.N. Security Council Resolution 2231 (UN, 2015). The wording implies that the Council has the option to re-impose some, but not all, sanctions that existed prior to the JCPOA. The total time for this “dispute resolution” mechanism between the time of the complaint of Iranian noncompliance and the re-imposition of U.N. sanctions is 65 days.



The other P5+1 states are able to invoke this mechanism, if they choose. But whether the United States may do so is unclear because the resolution provides that only a “JCPOA participant state” may bring a noncompliance finding to the Security Council; U.S. officials have stated that the United States is no longer participating in the agreement.

The American withdrawal from the JCPOA

During the 2016 presidential campaign, Donald Trump was a vocal critic of the agreement. At times, he pledged to seek to renegotiate it, to strictly enforce its terms on Iran, or to abrogate it outright (State Department, 2017). The JCPOA does not contain a provision for any party to end the agreement; nevertheless, the President could decide to stop implementing some or all of the U.S. commitments in the deal, but doing so leaves open the possibility for the agreement to be implemented by the remaining parties, including Iran. Throughout some of its first year, the Trump Administration indicated support for the agreement. On February 10, 2017, following meetings with the Administration focused on the JCPOA, the EU High Representative for Foreign Policy, Federica Mogherini, stated that Administration officials “reassured” her that the Administration intended to fully implement the JCPOA.

However, by the beginning of 2018, U.S. officials expressed increasing hostility toward the JCPOA. The then-Secretary of State Rex Tillerson told reporters on April 19, 2017, that the Administration will “review completely the JCPOA itself (JCPA, 2017).” Asserting that “Iran’s nuclear ambitions are a grave risk to international peace and security.” Tillerson argued that the “JCPOA fails to achieve the objective of a non-nuclear Iran; it only delays their goal of becoming a nuclear state.” Asked whether the United States should stop fulfilling its JCPOA commitments, Tillerson replied, “we just don’t see that that’s a prudent way to be dealing with Iran, certainly not in the context of all of their other disruptive activities.” Trump Administration officials argued that Iran may pursue nuclear weapons in the future. Trump Administration officials stated on July 17, 2017, that the Administration is “trying to take stronger steps to interpret the agreement more stringently against Iran” because the “existing restrictions on the JCPOA were, in our view, inadequately enforced (State Department, 2017).” The February 2018 Nuclear Posture Review asserts that “Iran’s development of increasingly long-range ballistic missile capabilities, and its aggressive strategy and activities to destabilize neighboring governments, raises questions about its long-term commitment to foregoing nuclear weapons capability.”

President Trump announced on October 13, 2017, that the Administration had completed the Iran policy review described above. With respect to the JCPOA, Trump announced that the Administration would not issue an INARA-specified compliance certification, and that he would direct his Administration to “work closely with Congress and our allies to address the deal’s many serious flaws so that the Iranian regime can never threaten the world with nuclear weapons.” Secretary Tillerson did not address Iranian compliance, but he wrote in a letter to Congress the same day that he was “unable to certify” that “continued suspension of U.S. sanctions” is “appropriate and proportionate to the specific and verifiable measures taken by Iran with respect to terminating its illicit nuclear program (Tillerson, 2017).” The withholding of the certification under INARA permitted Congress to act on legislation, under expedited procedures, re-imposing those sanctions that were suspended. Congress did not take such action.



On January 12, 2018, President Trump stated that “the United States will not again waive sanctions” pursuant to the JCPOA absent “our European allies’ agreement to fix the terrible flaws of the Iran nuclear deal (JCPA, 2017).” In this statement, Trump also demanded new congressional legislation concerning the JCPOA. A senior Administration official explained the same day that Trump “hopes to see an amendment to the Iran Nuclear Agreement Review Act” which must

- i. “Demand that Iran allows timely, sufficient and immediate inspections at all sites that are requested by international inspectors from the IAEA”;
- ii. “Ensure” that Iran does not become capable of producing enough fissile material for a nuclear weapon in less than one year;
- iii. Allow the United States for an indefinite period of time to re-impose U.S. nuclear sanctions if Iran does not comply with these new criteria; and
- iv. “State explicitly that we view Iran's long-range missile programs and nuclear weapons as inseparable and that Iran's development and testing of missiles should be subject to severe sanctions.”

On May 8, President Trump, noting that the two sides had been unable to reach an agreement, announced that the United States would no longer participate in the JCPOA and would re-impose sanctions that had been suspended pursuant to the JCPOA (JCPOA, 2017). President Trump ordered Secretary of State Pompeo to “take all appropriate steps to cease the participation of the United States in the JCPOA,” and, along with Secretary of the Treasury Steven Mnuchin, immediately “begin taking steps to re-impose all United States sanctions lifted or waived in connection” with the agreement. The United States has notified the other P5+1 states that the United States will no longer attend meetings of the joint commission, the working group concerning the Arak reactor, and the procurement working group (JCPOA, 2017).

Secretary Pompeo detailed a new U.S. approach with respect to Iran during a May 21, 2018 speech as applying “unprecedented financial pressure on the Iranian regime,” working “with the Department of Defense and our regional allies to deter Iranian aggression,” and advocating “tirelessly for the Iranian people.” He asserted that, in exchange for “major changes” in Iran’s behavior, the United States is “prepared to end the principal components of every one of our sanctions against the regime..., re-establish full diplomatic and commercial relationships with Iran ..., and support the modernization and reintegration of the Iranian economy into the international economic system (JCPA, 2017).”

Pompeo listed a number of essential elements for any new agreement:

- i. “First, Iran must declare to the IAEA a full account of the prior military dimensions of its nuclear program, and permanently and verifiably abandon such work in perpetuity.
- ii. Second, Iran must stop enrichment and never pursue plutonium reprocessing. This includes closing its heavy water reactor.



- iii. Third, Iran must also provide the IAEA with unqualified access to all sites throughout the entire country.
- iv. Iran must end its proliferation of ballistic missiles and halt further launching or development of nuclear-capable missile systems.
- v. Iran must release all U.S. citizens, as well as citizens of our partners and allies, each of them detained on spurious charges.
- vi. Iran must end support to Middle East terrorist groups, including Lebanese Hizballah, Hamas, and the Palestinian Islamic Jihad.
- vii. Iran must respect the sovereignty of the Iraqi Government and permit the disarming, demobilization, and reintegration of Shia militias.
- viii. Iran must also end its military support for the Houthi militia and work toward a peaceful political settlement in Yemen.
- ix. Iran must withdraw all forces under Iranian command throughout the entirety of Syria.
- x. Iran, too, must end support for the Taliban and other terrorists in Afghanistan and the region, and cease harboring senior al-Qaida leaders.
- xi. Iran, too, must end the IRGC [Islamic Revolutionary Guard Corps] Qods Force's support for terrorists and militant partners around the world.
- xii. And too, Iran must end its threatening behavior against its neighbors—many of whom are U.S. allies. This certainly includes its threats to destroy Israel, and its firing of missiles into Saudi Arabia and the United Arab Emirates. It also includes threats to international shipping and destructive cyber-attacks (State Department, 2017)."

The issue is that, it is not a culture or tradition in international relations that states discard their defence system or completely stop any kind of program which acquired legitimately and does not go contrary to the United Nations rules. The rules and procedures given by the United States to Iran is too utopian and no state would agree to such. While the United States has been busy selling sophisticated weapons to Saudi Arabia and United Arab Emirates, strengthening Israel's defence system, it wants to weaken that of Iran to a complete state of vulnerability.

On May 21, 2018, State Department Director for Policy Planning Hook stated that "the plan is to continue working with our allies, as we have been over the last few months, to create a new security architecture." During a July 2, 2018, press briefing Hook explained that, following Trump's May 8, 2018, announcement, Secretaries Pompeo and Mnuchin "decided to create joint teams of senior officials to visit every region of the world. These teams were launched on June 4." The United States is "bringing severe economic pressure on Iran until the regime changes its destabilizing policies," Hook stated. Although Hook explained that the administration's policy "is not about changing the regime, it is about changing the behavior of the leadership in Iran," most observers assert that it would be inconceivable for the current regime in Iran to change its behavior to comport with the requirements outlined by Secretary Pompeo. Pompeo himself stated during a June 22 television interview that, if Iran were to



“ramp up” work on its nuclear program, “the wrath of the entire world will fall upon” the government, explaining that “wrath” referred to “moral opprobrium and economic power,” rather than military action.

Impact of the U.S. withdrawal from the JCPOA

The U.S. exit from the JCPOA attracted broad criticism among the other parties to the JCPOA. The other JCPOA parties assert that unilateral U.S. re-imposition of sanctions appears to violate the JCPOA. The agreement requires that a noncompliance notification to the U.N. Security Council, which would be necessary to trigger the re-imposition of U.N. sanctions, be accompanied by “a description of the good-faith efforts the participant made to exhaust the dispute resolution process specified in this JCPOA.” The agreement also states that the P5+1 and Iran “commit to implement this JCPOA in good faith and in a constructive atmosphere, based on mutual respect, and to refrain from any action inconsistent with the letter, spirit and intent of this JCPOA that would undermine its successful implementation.” Whether this course of action violates UNSCR 2231 is unclear. U.S. officials have argued that the JCPOA is not legally binding.¹²⁰ But a European Union official told CRS in a November 30, 2016, email that “the commitments under the JCPOA have been given legally binding effect through UNSC Resolution 2231 (2015).”

Some of the impacts include the following: (1) suffering of Iranian citizens as a result of heightened sanctions (2) uncertainties in the strait of Hormuz which might cause regional and global conflict (3) perpetual rivalry between Iran and Gulf states (4) supports from allies from the two sides especially Israel, Lebanon’s Hezbollah (5) the intervention of superpowers such as Russia and China on one hand, and on the other, Britain and France when it deteriorates.

Other P5+1 countries immediately reiterated their support for the JCPOA and announced that they intend to fulfill their JCPOA commitments and protect their companies from the effects of any U.S.-imposed sanctions. In a joint statement, France, Germany, and the United Kingdom declared their intention to remain party to the JCPOA and to “work with all the remaining parties” to the deal to ensure that Iran continues to receive “the continuing economic benefits ... linked to the agreement (Colin, 2018).” EU High Representative Mogherini stated that, if “Iran continues to implement its nuclear related commitments the European Union will remain committed to the continued full and effective implementation” of the agreement.

Iranian Reaction

Iranian officials have repeatedly stated that Tehran would fulfill its JCPOA commitments, as long as the United States did, and repeatedly have rejected renegotiating the JCPOA or negotiating a new agreement such as the sort described by U.S. officials (Iran Students News Agency, 2018). However, Zarif has asserted that Iran “is fully prepared to return to the pre-JCPOA situation or even to conditions more robust than that if the US reneges on its promises to the extent that the JCPOA’s continuation harms our national interests,” Iranian Foreign Minister Javad Zarif asserted the previous month (Javad, 2018). Deputy Foreign Minister Seyed Abbas Araqchi claimed that Iran “will be able to reach the industrial enrichment phase in less than two years”; other Iranian officials have asserted that the country can rapidly reconstitute its fissile material production capability (Seyed, 2018).

Iranian officials have described a number of possible responses to a U.S. decision to re-impose U.S. sanctions, including resuming uranium enrichment, referring the matter to the Joint

Commission, decreasing cooperation with the IAEA, and withdrawing from the NPT. These responses do not include the possible Iranian development of nuclear weapons, Iranian officials have said 127 Asked on April 21 if Iran will continue to meet its JCPOA obligations if all P5+1 parties except for the United States continue to uphold their obligations, Zarif replied, “I believe that’s highly unlikely,” adding that

It is important for Iran receive the benefits of the agreement. And there is no way that Iran would do a one-sided implementation of the agreement. And it would require a major effort because right now, with the United States ostensibly in the agreement, a lot has been lacking in terms of Iran benefiting from the deal (Zerif, 2018).

Following Trump’s May 8 announcement, Iranian officials rejected negotiating any new agreements. In a May 10, 2018, letter to U.N. Secretary General António Guterres, Foreign Minister Zarif wrote that “if JCPOA is to survive, the remaining JCPOA Participants and the international community need to fully ensure that Iran is compensated unconditionally through appropriate national, regional and global measures,” adding that:

Iran has decided to resort to the JCPOA mechanism in good faith to find solutions in order to rectify the United States’ multiple cases of significant non-performance and its unlawful withdrawal, and to determine whether and how the remaining JCPOA Participants and other economic partners can ensure the full benefits that the Iranian people are entitled to derive from this global diplomatic achievement (Zerif, 2018).

Supreme Leader Khamenei stated on May 23 that Iran will only continue to participate in the JCPOA if Europe provides “concrete guarantees” that it maintains Iran’s existing revenue stream from oil sales to the EU countries. He also demanded that Europe not to raise the issues of Iran’s missiles programs or regional influence, and added that “Iran has the right to resume its nuclear activities.” President Rouhani expressed a similar view in a July 4 speech (JCPOA, 2018).

Efforts to Preserve the Accord

Following the initial reactions to the U.S. exit from the accord, Iran and the other parties began negotiations on concrete steps that would continue to provide Iran with the economic benefits of the JCPOA. On May 16, 2018, in an apparent effort to meet Iran’s demands for remaining in the agreement, the EU announced “practical measures” for continued implementation of the JCPOA, including:

- i. Maintaining and deepening economic relations with Iran;
- ii. The continued sale of Iran’s oil and gas condensate petroleum products and petrochemicals and related transfers;
- iii. Effective banking transactions with Iran;
- iv. Continued sea, land, air, and rail transportation relations with Iran;
- v. Provision of export credit and special provisions in financial banking to facilitate economic and financial cooperation and trade and investment;



- vi. Further memoranda of understanding and contracts between European companies and Iranian counterparts;
- vii. further investments in Iran; and
- viii. The protection of European Union economic operators and ensuring legal certainty; and finally further development of a transparent, rules-based business environment in Iran (JCPOA, 2018).

Several multilateral meetings since the U.S. exit have not produced a firm Iranian commitment to the JCPOA. At Iran's request, the Joint Commission held meetings, attended by all of the JCPOA parties except for the United States, on May 25 and July 6. At the conclusion of the July 6 meeting, the Joint Commission participants reaffirmed their commitment to the EU "practical measures" enumerated above. However, President Rouhani reacted to the pledges by saying that "Unfortunately, the EU's package of proposals lacked an operational solution and a specific method for cooperation (Rouhani, 2018)." Rouhani's reaction likely reflected a lack of confidence that EU and other countries can counter the effects of a steady stream of announcements by EU, Japanese, South Korean, and Indian companies that they are leaving the Iran market rather than face the risk of re-imposed U.S. sanctions. The corporate announcements are the result, at least in part, of Trump Administration official statements that the Administration plans to fully enforce re-imposed sanctions and will likely deny requests by companies and their governments for waivers or exemptions to the U.S. sanctions.

CONCLUSION AND RECOMMENDATIONS

The Iranian nuclear issue is one that dominates regional and international headlines due to its significance and super-power interest status it has assumed. The realities on the ground is that, Iran is not a soft power to joke with, it is also an entity that may would create a spill-over effect in the period of war. When Iran goes to war, it does not go alone, for Lebanon, Iraq, Syria, part of Bahrain and many other states within Arabia will be part of.

The super powers such as Russia, and China might not be exempted; Britain, France and Israel might get into it in favor of the United States. But so long the United States continue to impose sanctions on Iran and refuses to return to the JCPOA, so long Iran will continue to enrich uranium which may lead to the development of nuclear weapons, if the European Union also remains silent on how to neutralize such sanctions. The paper recommends restraints from the United States on perpetual meddling in the regional political affairs, restraint from Saudi Arabia from fighting the Houthis in Yemen, and restrain from Iran from fueling more tensions for perpetual peace to be achieved. Going back to dialogue especially under the JCPOA will be the best option for lasting peace in the region.

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